

**U.S. District Court
District of Alaska (Anchorage)
CIVIL DOCKET FOR CASE #: 3:18-cv-00028-JWS**

James v. United States Department of Defense et al
Assigned to: John W. Sedwick
Related Case: 3:17-cv-00046-JWS
Cause: 05:552 Freedom of Information Act

Date Filed: 01/30/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Dayle James
*as Personal Representative of the Estate
of Charlie Thomas James, Jr.*

represented by **Michael W. Flanigan**
Flanigan & Bataille
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Defense

represented by **Sara T. Gray**
U.S. Attorney's Office (Anch)
222 West 7th Avenue, #9
Anchorage, AK 99513
907-271-4264
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Defendant

U.S. Army

represented by **Sara T. Gray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/30/2018	<u>1</u>	COMPLAINT for Injunctive Relief against U.S. Army, United States Department of Defense (Filing fee \$400/receipt #ANC014084), filed by Dayle James. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12)(PXS, COURT STAFF) (Entered: 01/31/2018)
01/30/2018	<u>2</u>	Civil Cover Sheet. (PXS, COURT STAFF) (Entered: 01/31/2018)
01/30/2018	<u>3</u>	Unissued summons re Defendant United States Department of Defense, (Attachments: # <u>1</u> United States Department of Defense through U.S. Attorney, # <u>2</u> U.S. Army, # <u>3</u> U.S. Army through U.S. Attorney)(PXS, COURT STAFF) (Entered: 01/31/2018)
01/31/2018		Summons Issued as to U.S. Army, United States Department of Defense, U.S. Attorney. (PXS, COURT STAFF) (Entered: 01/31/2018)
02/23/2018	<u>4</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, (<i>Unopposed</i>) by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 02/23/2018)

03/01/2018	<u>5</u>	ORDER granting <u>4</u> Motion for Extension of Time to Answer. Defendants' answer to the complaint is due on or before April 2, 2018. Signed by Judge John W. Sedwick on 3/1/18. (GMM, CHAMBERS STAFF) (Entered: 03/01/2018)
04/02/2018	<u>6</u>	Second MOTION for Extension of Time to File Answer re <u>1</u> Complaint, (<i>Unopposed</i>) by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 04/02/2018)
04/04/2018	<u>7</u>	ORDER granting <u>6</u> Motion for Extension of Time to Answer. All Defendants to answer complaint 4/16/18. Signed by Judge John W. Sedwick on 4/4/18. (GMM, CHAMBERS STAFF) (Entered: 04/04/2018)
04/16/2018	<u>8</u>	ANSWER to <u>1</u> Complaint, by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order A– EMAIL FOIA REQUEST (UNCLASSIFIED), # <u>2</u> Exhibit B– response to request for reconsideration email)(Gray, Sara) (Entered: 04/16/2018)
04/18/2018	<u>9</u>	INITIAL CASE STATUS REPORT/CASE SCHEDULING AND PLANNING ORDER: Counsel for plaintiff shall serve and file the Rule 26 Meeting Report within 28 days of service of this order. (BJK, COURT STAFF) (Entered: 04/18/2018)
05/16/2018	<u>10</u>	Joint STIPULATION for Extension of Time Regarding Initial Case Status Report (<i>Dkt. 9</i>) by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 05/16/2018)
05/17/2018	<u>11</u>	ORDER granting <u>10</u> Stipulation. The parties shall file a joint status report by May 30, 2018. Signed by Judge John W. Sedwick on 5/17/18. (GMM, CHAMBERS STAFF) (Entered: 05/17/2018)
05/30/2018	<u>12</u>	MOTION for Summary Judgment <i>in FOIA case</i> by Dayle James. (Attachments: # <u>1</u> Exhibit 3/7/17 FOIA request, # <u>2</u> Exhibit 4/6/17 FOIA response, # <u>3</u> Exhibit 5/23/17 FOIA Request, # <u>4</u> Exhibit 6/14/17 FOIA Response, # <u>5</u> Exhibit 7/28/17 FOIA Request, # <u>6</u> Exhibit 7/28/17 FOIA Response, # <u>7</u> Exhibit 1/02/18 FOIA Request, # <u>8</u> Exhibit 4/2/18 FOIA Response, # <u>9</u> Exhibit Witness Statements, # <u>10</u> Exhibit Investigative Report and docs, # <u>11</u> Exhibit Request for Reconsideration of Exemptions, # <u>12</u> Exhibit Army response to request for reconsideration, # <u>13</u> Proposed Order Proposed Order granting SJ)(Flanigan, Michael) (Entered: 05/30/2018)
06/20/2018	<u>13</u>	MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Summary Judgment <i>in FOIA case</i> (<i>Unopposed</i>) by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 06/20/2018)
06/20/2018	<u>14</u>	DECLARATION of Assistant U.S. Attorney Sara T. Gray re <u>13</u> MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Summary Judgment <i>in FOIA case</i> (<i>Unopposed</i>) by U.S. Army, United States Department of Defense. (Gray, Sara) (Entered: 06/20/2018)
06/26/2018	<u>15</u>	ORDER granting <u>13</u> Motion for Extension of Time to File Response re <u>12</u> MOTION for Summary Judgment <i>in FOIA case</i> . Responses due by 7/25/2018. Signed by Judge John W. Sedwick on 6/26/18. (GMM, CHAMBERS STAFF) (Entered: 06/26/2018)
07/25/2018	<u>16</u>	RESPONSE in Opposition re <u>12</u> MOTION for Summary Judgment <i>in FOIA case</i> filed by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Exhibit A– Dkt 1 Complaint 317–cv–00046–JWS, # <u>2</u> Exhibit B– CM–ECF District of Alaska Version 6_1 LIVE DB_pl, # <u>3</u> Exhibit C– Kristen Coyne Signed Declaration with Exhibits, # <u>4</u> Exhibit D– Tamela Tobia Signed Declaration with Exhibits, # <u>5</u> Exhibit E– Vaughn Index – JAMES 25 JUL Updated Version)(Gray, Sara) (Entered: 07/25/2018)
07/25/2018	<u>17</u>	Cross MOTION for Summary Judgment by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Exhibit A– Dkt 1 Complaint 317–cv–00046–JWS, # <u>2</u> Exhibit B– CM–ECF District of Alaska Version 6_1 LIVE DB_pl, # <u>3</u> Exhibit C– Kristen Coyne Signed Declaration with Exhibits, # <u>4</u> Exhibit D– Tamela Tobia Signed Declaration with Exhibits, # <u>5</u> Exhibit E– Vaughn Index – JAMES 25 JUL Updated Version)(Gray, Sara) (Entered: 07/25/2018)

08/08/2018	<u>18</u>	MOTION for Extension of Time to File Response/Reply as to <u>17</u> Cross MOTION for Summary Judgment , <u>16</u> Response in Opposition to Motion, <i>Unopposed</i> by Dayle James.(Flanigan, Michael) (Entered: 08/08/2018)
08/12/2018	<u>19</u>	TEXT ORDER re <u>18</u> Motion for Extension of Time to File Reply re <u>12</u> MOTION for Summary Judgment <i>in FOIA case</i> , and Response re <u>17</u> Cross MOTION for Summary Judgment. The motion at docket 18 is GRANTED. Plaintiff's reply to the motion at docket 12 is due on or before 8/23/18. Plaintiff's response to the motion at docket 17 is due on or before 8/23/18. (GMM, CHAMBERS STAFF) (Entered: 08/12/2018)
08/23/2018	<u>20</u>	RESPONSE to Motion re <u>17</u> Cross MOTION for Summary Judgment , REPLY to <u>12</u> MOTION for Summary Judgment <i>in FOIA case and Opposition Brief</i> filed by Dayle James. (Attachments: # <u>1</u> Exhibit e-mails, # <u>2</u> Exhibit e-mails, # <u>3</u> Exhibit e-mails, # <u>4</u> Exhibit February, 2015 inspection and maintenance report, # <u>5</u> Exhibit April, 2015 inspection and maintenance report)(Flanigan, Michael) Modified on 8/24/2018 to clarify docket text (JLH, COURT STAFF). (Entered: 08/23/2018)
09/06/2018	<u>21</u>	REPLY to Response to Motion re <u>17</u> Cross MOTION for Summary Judgment filed by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Exhibit A-Redacted, # <u>2</u> Exhibit B-Dkt 55 Plaintiff's Status Report)(Gray, Sara) (Entered: 09/06/2018)
10/10/2018	<u>22</u>	ORDER granting in part and denying in part <u>12</u> Motion for Summary Judgment; granting in part and denying in part <u>17</u> Motion for Summary Judgment. Defendant shall provide Plaintiff with the names and current location of those persons whose identifying information was redacted; Defendant is not required to provide any additional documents to Plaintiff. Signed by Judge John W. Sedwick on 10/10/18. (GMM, CHAMBERS STAFF) (Entered: 10/10/2018)
11/28/2018	<u>23</u>	INITIAL CASE STATUS REPORT/CASE SCHEDULING AND PLANNING ORDER: Counsel for plaintiff shall serve and file the Rule 26 Meeting Report within 28 days of service of this order. (JLH, COURT STAFF) (Entered: 11/28/2018)
11/29/2018	<u>24</u>	MOTION for Attorney Fees <i>and Costs</i> by Dayle James. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Proposed Order)(Flanigan, Michael) (Entered: 11/29/2018)
11/29/2018	<u>25</u>	DECLARATION of <i>Michael W. Flanigan</i> re <u>24</u> MOTION for Attorney Fees <i>and Costs</i> by Dayle James. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Flanigan, Michael) (Entered: 11/29/2018)
12/06/2018	<u>26</u>	NOTICE of <i>Compliance</i> by U.S. Army, United States Department of Defense re <u>22</u> Order on Motion for Summary Judgment,,, (Attachments: # <u>1</u> Exhibit A- Names and Addresses Pursuant to Order of Chambers ICO Dayle James v. DoD)(Gray, Sara) (Entered: 12/06/2018)
12/12/2018	<u>27</u>	Joint STIPULATION <i>Regarding Extension of Time for Defendant's Response to Plaintiff's Motion for Attorney Fess (Dkt 24)</i> by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 12/12/2018)
12/19/2018	<u>28</u>	TEXT ORDER re <u>27</u> Joint STIPULATION <i>Regarding Extension of Time for Defendant's Response to Plaintiff's Motion for Attorneys' Fess (Dkt 24)</i> .The stipulation at docket 27 is approved. The United States shall respond to the motion for attorneys' fees no later than 12/27/18. (GMM, CHAMBERS STAFF) (Entered: 12/19/2018)
02/03/2019	<u>29</u>	TEXT STATUS REPORT ORDER. Plaintiff will please file a status report within 7 days.(GMM, CHAMBERS STAFF) (Entered: 02/03/2019)
02/05/2019	<u>30</u>	Joint STIPULATION <i>Regarding Attorney's Fees and Costs</i> by U.S. Army, United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Gray, Sara) (Entered: 02/05/2019)
02/06/2019	<u>31</u>	ORDER granting <u>30</u> Stipulation. Defendants shall pay Plaintiff's costs in the amount of \$400.00 and attorney's fees in the amount of \$8,100.00, for a total award of \$8,500.00. Signed by Judge John W. Sedwick on 2/6/19. (GMM, CHAMBERS STAFF) (Entered: 02/06/2019)